Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of	)	
	)	
THE IMPLEMENTATION OF THE	)	WC Docket No. 21-450
AFFORDABLE CONNECTIVITY PROGRAM	)	

COMMENTS OF THE CITY OF SEATTLE

The City of Seattle submits these comments in response to the Public Notice released on November 18, 2021, seeking comment on the design and implementation of *Affordable Connectivity Program*.[1] We appreciate the Commission seeking input on the implementation of this important long-term support program. We also greatly appreciate the heroic efforts of the Commission and its staff to launch both the *Emergency Broadband Benefit Program* and the *Affordable Connectivity Program*, and your responsiveness to questions and recommendations along the way.

Over 8.3 million households nationally [2] and 13,544 [3] Seattle households are utilizing the *Emergency Broadband Benefit* (EBB) to afford essential internet connectivity for participating remote learning, remote work, telemedicine, and social connections. These numbers emphasize the importance of a successful transition for these households as the *Affordable Connectivity Program* (ACP) replaces the expiring EBB program. Our comments reflect the local expertise and experiences of our City, school district, housing authority, and community-based digital inclusion and social service providers community-based organization staff who have been working directly with low-income residents over the past seven months to help them receive the needed EBB support. We have also collaborated, shared knowledge, and worked on problem solving with

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[1] Public Notice, *Wireline Competition Bureau Seeks Comment on the Implementation of the Affordable Connectivity Program*, WC Docket No. 21-450 (Nov.18, 2021).
[2] Emergency Broadband Benefit Program Enrollments and Claims Tracker, *Total Enrolled Households – Weekly*, Dec 5, 2021 https://www.usac.org/about/emergency-broadband-benefit-program/emergency-broadband-benefit-program-enrollments-and-claims-tracker/
[3] Ibid. *Enrollment by Zip Code, Full Zip Code Data* as of Nov 1, 2021.

internet service providers and other cities and counties in Washington State and elsewhere. Our experience offers meaningful input from diverse communities on how the ACP implementation design can maximize positive outcomes for intended participants and continue to add value to households that struggle to afford essential internet connectivity. These comments align with our Comments[4] to the Commission as you were developing the EBB, and we continue to emphasize the need to support local communities that face common challenges in learning about affordable service options, trying to subscribe, and in obtaining affordable and sufficient internet service.

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[4] https://ecfsapi.fcc.gov/file/1012647135421/Seattle_and_WA_Comments_FCC Emergency_Broadband_Benefit_Program_WC Docket No. 20-445 (1.25.2021).pdf

Introduction

The City of Seattle has assisted low-income residents with digital inclusion needs, including internet access, for over 25 years. This includes working closely with the schools, library, and housing authority, as well as partnering with trusted local and diverse community-based organizations to help those struggling to afford the costs of internet service. During the pandemic, we expanded our help signing people up for internet benefits, including the *Emergency Broadband Benefit* (EBB) Program. We also assisted people in obtaining devices and troubleshooting the barriers people have faced in getting online to access learning and essential services. We have aided Seattle Schools and the Seattle Jobs Initiative with internet sponsor agreements and have developed and supported marketing of internet and device resources for low-income families. The City also has extensive experience with utility discount programs.

Our comments include these recommendations as critical to a successful transition to the Affordable Connectivity Program (ACP) program:

1. Prioritize a Simple Transition of EBB-Enrolled Households to the Affordable Connectivity Program.
2. Provide Public Information and Establish Processes with ISPs to Minimize Impacts of the Current $50 Maximum monthly Benefit Reduction on EBB-Enrolled Households.
3. Adopt Measures to Support Aggregated Billing Arrangements and Ease of participation for Low-Income Residents in Multi-Tenant Buildings.
4. Provide Grants to Consumer Outreach Partners and Encourage Grant Use to Fill Federal Gaps in Local, Culturally Effective Outreach and Enrollment Assistance.

As the Commission considers these and other submitted comments, we ask the Commission to focus on effectively impacting *individuals* across the nation and listening to local comments, ideas, and concerns from those that are working daily to meet the challenges of getting individuals connectivity support, including both suitable internet service and devices.

Prioritize a Simple Transition of EBB-Enrolled Households to the Affordable Connectivity Program

A simple, customer-oriented process is needed to foster participation in the new ACP by households that are most in need of support, struggling with pandemic impacts, and striving to find self-sufficiency and success in the connected digital economy. Households eligible for ACP should not face hurdles created by complexity in the application and annual recertification processes. **Reliability, clarity, transparency, and simplicity are critical to ensuring those most in need will trust and utilize the ACP.**

Our experience with the EBB was that many households required time intensive one-on-one and in-language support from trusted community-based organizations and social service providers to:

1. Understand what the program was and would offer,
2. Clarify risks of debt and dispel fears of financial harm,
3. Determine eligibility and understand approval steps, and
4. Navigate the enrollment process between the FCC/USAC and the internet service provider processes.

Based on this, we support the Commission's proposal that households enrolled in the EBB Program as of December 31, 2021, *not be required* to submit a new application to enroll in the ACP. However, we do *not* support the proposal to establish an *opt-in* process [5] for these same households. We recommend a transition designed to minimize process for EBB-enrolled households to continue receiving the important subsidy. Specifically,

- For EBB-enrolled households under continuing eligibility categories, including under an existing approved 'Alternate Verification Process', the transition process should assume continued eligibility, and automatically convert the households to ACP support without having to reenroll or recertify.
- The households should receive a clear notice from both the FCC/USAC and their current ISP informing them of the new program name. The notice should emphasize the federal

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[5] Paragraphs 121 and 123 of the DA 21-1453 Public Notice

continuity in help and provide an *opt-out* process. The notice should be provided with clear explanation that uses common language throughout the country.

- *If* any recertification process needs to happen, it should be designed as a simple one-step process with either the FCC or their current ISP provider, but not both.

- This approach does not preclude and would allow for a more orderly system of *annual* recertification, if required. An annual recertification process should be planned and implemented with consideration of a one-step process, and automatic recertification for ACP-enrolled households in programs already linked to state and national verifiers, such as school lunch eligibility, WIC, SNAP, or Pell grants.

- For new ACP program participants, the current two-step application process should be reduced to facilitate a one-step sign-up for ACP eligibility *and* ISP service at the same time.

The one-step EBB enrollment process for existing low-income internet programs, such as those offered by Comcast *Internet Essentials* or PCs for People, have been significantly simpler to facilitate and navigate for low-income consumers. We urge continuation and expansion of these types of programs with a one-step combined ACP eligibility/application process.

Provide Public Information and Establish Processes with ISPs to Minimize Impacts of the ACP Monthly Benefit Reduction on EBB-Enrolled Households.

The low-income households participating in the EBB, and those that will be ACP eligible, are extremely vulnerable to even the smallest variations in monthly expenses and are apprehensive to engage in service agreements that may result in incurring costs they cannot pay. We therefore recommend:

- Require ISPs to review their EBB-enrolled customers and whether the subsidy reduction under the ACP (to a $30/month limit) will result in some customers incurring a new or higher monthly copay amount. The result of this review should be submitted to the Commission and serve as the basis for notification to customers.

- The FCC and ISPs report and publish specific data on impact of the ACP transition to help support targeted local community outreach. The data should provide the current number and percentage of EBB-enrolled households with service subscriptions *above* $30, listed by

provider, service level (bandwidth speed and/or data allocation) provided, and by five-digit zip-code.

- For those customers identified with existing service plans that *would incur a new or higher copay* under the new lower ACP subsidy, require ISPs to provide at least 45 days advance notice of the subsidy change, what the change means for the customer's monthly payment, a list of less expensive plans, and a date by which a plan change is needed to avoid incurring any new or higher monthly copay costs.

Other Consumer Protections for ACP Participants[6]

In addition to a focus on minimizing transition impacts on EBB-enrolled households, we encourage the Commission to incorporate other consumer protections into the new ACP. Specifically,

- Require standard program language across all participating ISPs with approved language translations. Standard language for all notices should be provided by the FCC, or by the ISPs with FCC review, and subject to diverse consumer representative testing.

- Require all participating ISP to provide transparency, sufficient notification, and mechanisms for consumers to understand the ACP benefits and limitations of benefits offered.

- Provide ACP-eligible customers with clear information on internet services offered by speed and price to allow for comparative ISP shopping.

- Have participating ISPs agree to key phrases that customers can use when calling ISPs to be able to get clear and precise information of the low-cost options. For example, having a customer say "*Low-Income program*" would direct them to information or staff that can provide straightforward detail on the most affordable plans and will not try to upsell the customer. If the FCC cannot influence this type of ISP action, then we encourage more support for community digital navigators to help ACP-eligible residents move through the service plan selection and sign-up process.

- For any EBB-enrolled households that *would not* be left with a copay under their current service plan, require the ISP to provide an *opt-out* notice for the ACP to protect customers that may not respond to opt-in notices from incurring costs they cannot afford.

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[6] In re paragraph 13, paragraph 82 re credit check, paragraph 85 re termination, paragraph 91 re additional consumer protections

- Provide clear posting on the FCC and USAC sites of participating ISP information to include company name, eligible services offered, download/upload speeds of service options, service cost *without* ACP subsidy, if the ISP offers a direct ACP enrollment process (e.g., like *Internet Essentials*, PCs for People), and ISP email, web site and phone number for ACP related information and questions.

- Post clear privacy and complaint resolution information at the head of the FCC, USAC and ISP ACP sites.

- If ACP-enrolled customers are in arrears, ISPs should be required to provide a series of notices to the customer with clarification of options for changing service level and payments, and a phone number to reach customer service for assistance.

- Data caps for low-income internet programs should be removed or increased. As we recommended for the original EBB Program implementation, we reiterate the critical program consideration for requiring ISPs to remove data caps for low-income internet program participants. Current data cap limitations, lack of consumer notification on caps, and high data overage charges are limiting quality remote learning and family use of essential services. Households with multiple simultaneous users during the pandemic have pushed the data cap bounds even with average use. Seattle Schools and community organizations report increasing incidents where larger families or households with more than three or four students have exceeded data caps doing normal schoolwork and are now incurring debt.

- Preclude the use of credit checks by ISPs for ACP applicants. Or, if any credit checks are to be done, the ISP policy on credit checks for all services should be explicit, provided up front, reported to FCC, and posted in clear language on the FCC and ISP site. At minimal, checks should not be required for a service plan which is wholly covered by the ACP.

Adopt Measures to Support Aggregated Billing Arrangements and Ease of Participation for Low-Income Residents in Multi-Tenant Buildings.[7]

One of the most effective ways the ACP could reach and help large populations of eligible participants is to allow ISPs to partner with public housing authorities, tribal authorities, and other low-income housing and similar providers to aggregate the ACP subsidy to 'turn-on' the internet service in every unit and centrally manage the service provision with the Housing Authority staff or other entity. This would:

- Remove all application barriers and account management challenges that frequently interfere with individual unit households registering for internet service programs.

- Support streamlined verification and eligibility tracking and limit the account management complexity for ISPs.

- Arrange for the most affordable, quality service available for residents.

- Allow for Housing Authorities to centralize communications with tenants about the internet service and options related to the ACP. Housing Authorities will also be more adept at providing the communications in cultural and language appropriate methods to meet the unique characteristics of their residents.

We understand and agree that there are complexities to address in any aggregation process, however making the option available will help capitalize on aggregation's benefits of lowering individual application barriers, minimizing complexity for eligible households, and supporting increased service quality. Aggregated ('bulk') arrangements have the potential to also provide a simple set of service tiers adjusted to household size and bandwidth need, while still allowing residents to purchase supplemental services.

We therefore encourage the Commission to consider allowing a process whereby a multi-tenant housing provider is able to develop an agreement directly with an ACP participating ISP to provide bulk arrangements, submitting the addresses to be served, and verification of the housing provider's requirements that tenants in the units meet ACP qualifications (e.g., through HUD low-

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[7] Paragraph 57 of the DA 21-1453 Public Notice

income housing provider verification). A standard notice and procedure could be developed for housing providers to inform tenants of the unit's inclusion in the ACP. The procedure could include guidance for the housing provider to inform tenants of their rights to transfer the ACP benefit should they move, move in with the benefit already in place for them, or choose to change ISP. ISPs would submit the service addresses included in the multi-tenant building agreement to the FCC, in the same way they do now for existing low-income internet programs, or they could be registered directly to the FCC, perhaps via HUD.

To meet the objectives of bulk arrangements, the FCC should consider collaborating with HUD, public housing authority associations, the National Digital Inclusion Alliance, and low-income housing providers, along with low-income resident and/or resident serving representatives, to further clarify specific processes and rules.

Provide Grants to Consumer Outreach Partners[8] and Encourage Their Use to Fill Federal Gaps in Local, Culturally Effective Outreach and Enrollment Assistance.

Effective outreach that results in increased enrollment requires three components: *awareness*, *advising*, and *enrollment*.

1. Awareness outreach: Promote awareness at public locations, public meetings, in programs and workshops, at events, in newsletters, local media of various mediums (print, tv, radio, social media), through flyer distribution and other methods.

2. Advising: Help individual residents evaluate their current internet options and needs, their eligibility for the internet program and benefits, and how to take the next step towards signing up for benefits, including what documents are needed for enrollment.

3. Enrollment: Help residents sign up and be verified for ACP, and to enroll for the low-income internet service, including ACP, with an internet provider.

Over the past eight months of conducting outreach and promoting participation in the EBB many eligible Seattle households required time intensive one-on-one and in-language support from

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[8] In re paragraph 113 of the Public Notice

community-based organizations and social service providers to understand the program, understand service provider options, and navigate the application process.

In addition to EBB materials provided by the FCC and USAC, Seattle worked with King County and the State of Washington to provide more targeted outreach resources. For example, Seattle established a local resource page www.seattle.gov/tech/services/internet-access/emergency-broadband-benefit-(ebb) with materials translated into seven languages, lists of the Seattle and King County area ISPs participating in the EBB, and answers to common questions we received as the EBB launched. We also distributed information about EBB through our electrical utility bills, and King County completed direct mailings and included EBB information in the 2021 Elections Voters' Guide. This effort, and the effort by community partners who provided staff and volunteers to work with eligible households, requires budget and staff capacity. We therefore recommend:

- The ACP designate funding for localized, in-language outreach and application support so that communities of all sizes can support their diverse populations, and those with low digital literacy skills, to participate in the program.

- The FCC provide direct grants, and allow subgrants, and encourage and track providers issuing grants to facilitate ACP awareness, eligibility determination, and enrollment. Eligible expenses should be broad and flexible to allow local and culturally appropriate delivery of outreach and the inclusion of black, indigenous, and people of color (BIPOC) community-based organizations. Staffing, administration, and operational costs (including equipment for helping scan documents and assist in enrollment), and marketing services should be allowable expenses.

Conclusion.

We again thank the Commission for the opportunity to help inform the implementation of the new Affordable Connectivity Program to help reach community members in need of essential connectivity support.

Over the past eight months our local public and private entities have stepped forward to help foster the success of the EBB. Along with the nearly 14,000 households across Seattle[9] already participating in the EBB program, we know there are ongoing needs for lower cost internet options and for the ACPs long-term funding to help even more residents. We encourage the Commission to prioritize the vulnerable households these programs support when implementing the ACP and work with us to address all aspects of digital equity: to ensure that residents learn about and sign up for internet services, obtain critical digital skills and navigation help, are able to get needed technical support, and that the design of online applications and services are accessible to all.

We also appreciate and encourage the Commission's ongoing dialogue and collaboration with States, Counties, Cities, Tribes, Anchor Institutions, and diverse communities. We are available for additional discussion and look forward to assisting in the implementation of the ACP and upcoming FCC work on broadband deployment, adoption, and digital equity and opportunity.

If you wish to follow-up, please feel free to contact either Alice Lawson, Broadband and Cable Program Manager (alice.lawson@seattle.gov) or David Keyes Digital Equity Program Manager (david.keyes@seattle.gov).

Respectfully Submitted By,

City of Seattle, Information Technology Department

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[9] See Exhibit 1 - *Seattle EBB Distribution Map*, as of Nov 1, 2021

Exhibit 1. Map - *Seattle EBB Participation Distribution*

Emergency Broadband Benefit (EBB) Program

Seattle Household Enrollment by 5-Digit ZIP Code
Data as of Nov. 1, 2021

ZIP	Enrollment
98155	339
98133	805
98177	87
98125	655
98117	217
98115	478
98103	492
98107	286
98105	593
98195	
98199	72
98119	192
98102	262
98109	334
98112	319
98121	645
98101	420
98122	832
98104	1355
98144	700
98134	83
98116	157
98126	325
98106	501
98108	447
98118	967
98136	98
98146	450
98168	793
98178	562